#

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4408 OF 2006

Sanjay Shivaji Gore .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.Angadsurve for applicant

Mr.P.A.Pol, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 20th December 2006

P.C.

. Applicant is arrested in connection with C.R.No.129 of 2006 registered with Kurduwadi police station alleging offences punishable under

section 354, 324, 504 read with 34 I.P.C. and sections 3(i)(x) and 3(i)(xi) of S.C. & S.T. (Prevention of Atrocities) Act.

2. I have perused the statement, a copy of which is annexed at Annexure A and the order passed by the learned Additional Sessions Judge, enlarging co-accused Bhajandas on bail.

3. From a perusal thereof, it appears that the prosecutrix is alleging that the applicant tried to outrage her modesty and assault her. As far as the co-accused is concerned, the assault is by a stick and the applicant had a stone. Investigations are complete. However, charge sheet is yet to be filed.

4. Applicant’s application has been rejected by the learned Judge only on the ground that the applicant is alleged to have assaulted prosecutrix. In my view, considering that the investigations are complete and even the

prosecutrix has been discharged from the hospital so also the applicant is willing to reside outside the concerned village, following order would meet the ends of justice.

i) The applicant arrested in connection with C.R.No.129 of 2006 registered with Kurduwadi Police Station shall be enlarged on bail in the sum of Rs.15,000/- with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicant shall stay outside Village Kurdushivar, Taluka Mhada Dist.Solapur initially for a period of six months from today and will remain present before the nearest police station to his new residence once a week on every Saturday between 5.00 p.m. and 7.00 p.m. till the charge sheet is filed and

thereafter as directed by the trial court.

iii) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate

with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)